



**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )  
 )  
Rules and Regulations Implementing ) CG Docket No. 02-278  
the Telephone Consumer Protection )  
Act of 1991 )  
 )

**COMMENTS OF THE AMERICAN TELESERVICES ASSOCIATION**

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**AFFIDAVIT OF GM MATT MATTINGLEY**

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I, GM MATT MATTINGLEY, do hereby attest as follows:

1. I am over 18 years of age and am competent to provide this Affidavit. The statements contained in this Affidavit are based on my personal knowledge.
2. I am the Director of Government Affairs for the American Teleservices Association ("ATA).
3. ATA was founded in 1983 and is the not-for-profit trade association of the teleservices industry representing the interests of teleservice providers and users in the United States. ATA currently has more than 2,500 members, which include

telemarketing service agencies, consultants, customer service trainers, providers of telephone and Internet systems, along with those who rely on teleservices, including advertisers, not-for-profit organizations, retailers, catalogers, manufacturers and financial service providers. Approximately 75 percent of ATA members are small businesses as defined by the Small Business Administration. In addition to representing the interests of its members in the lawmaking arena, ATA educates its members, policymakers and the general public on the legal, ethical and professional deployment of teleservices.

4. We recently asked our members to describe the types of products and services they market directly via telephone to American consumers. The list below demonstrates that an astonishing variety of goods and services are marketed using the telephone. It is readily apparent that the range of products or services that can be marketed by telephone is virtually limitless. The list is by no means all-inclusive, but provides a representative sample of the vast array of goods and services that can be purchased without leaving home.

|   |                        |                                |
|---|------------------------|--------------------------------|
| Air Conditioning & Heating,<br>and Plumbing | Financial Management   | Optical Goods                  |
| Alumni Directories                          | Fire Extinguishers     | Orthopedic Services            |
| Automotive Repair                           | Fish                   | Outdoor & Camping<br>Equipment |
| Beauty Products                             | Flowers                | Personnel Resources            |
| Beds  | Foodstuffs             | Pet Care Products              |
| Bicycles                                    | Formal Wear            | Photography                    |
| Books                                       | Health Care            | Political Fundraising          |
| Cable Television                            | Home & Garden Products | Porcelain Collectibles         |
| Carpet Cleaning                             | Home Improvement       | Power Tools                    |
| Catering Services                           | Household Appliances   | Product Registration           |
| Cellular Phone Service                      | Insurance              | Real Estate Services           |
| Checking Services                           | Internet Services      | Religious Charities            |
| Children's Books                            | Jewelry                | Roofing Materials              |
|   | Landscaping            |                                |

|                            |                           |                      |
|----------------------------|---------------------------|----------------------|
| Chimney Sweeps             | Legal Services            | Security Systems     |
| College and Education      | Luggage                   | Software             |
| Loans                      | Magazines                 | Tax Services         |
| Computers                  | Meat                      | Technical Support    |
| Credit Cards               | Milk Home Delivery        | Time Share Vacations |
| Dancing Instruction        | Moving & Storage Services | Videos/DVDs          |
| Dry Cleaning               | Music                     | Water Heaters        |
| Electric Utilities Service | Newspapers                | Water Treatment      |
| Electronics                | Non-Profit Charities      | Wedding Supplies     |
| Employment Services        | Nutrition                 | Wheelchair Lifts and |
| Estate Planning            | Office Supplies           | Ramps                |
| Extermination/Pest Control | Opera                     | Window Cleaning      |
| Family Entertainment       | Opinion Polling           |                      |

5. In preparing comments for this proceeding, we surveyed our members regarding the company-specific do-not-call lists they are required to maintain under the Telephone Consumer Protection Act. The responses we received demonstrate that the current national policy is sound. ATA members represent the majority of the telemarketing industry in the United States and are exemplary corporate citizens who strive to comply with all laws and regulations governing businesses. The oft-repeated premise that the company-specific program is ineffective is unsubstantiated by empirical data. Neither the FCC nor the FTC, in comments on this issue, has produced any hard data to support such a finding. We maintain that the system does indeed work and that industry is expending considerable resources to ensure that it does.

6. As reported more specifically below, some of our members currently maintain in-house do-not-call lists numbering in the tens of *millions*. We also have smaller members at the other end of the spectrum, whose lists number only in the dozens. In those instances in which do-not-call violations occur, they are most often attributable to administrative oversight or technical failure. Instances of deliberate

infractions are rare and are aberrational rather than symptomatic. These violations do not reflect the practices of the vast majority of industry players, and cannot be imputed to the industry at large. Nor can the violations of the few serve to discredit the efforts and demonstrated dedication of the millions of honest businessmen and -women who represent the core of this industry. Nor can the violations of the few serve to discredit the efforts and demonstrated dedication of the millions of honest businessmen and -women who represent the core of this industry.

7. The following examples demonstrate the commitment of legitimate businesses to making the current regime effective:

|   |                  |
|---|------------------|
| Outsource Provider (national scope)       | 17,300,144 names |
| Outsource Provider (national scope)       | 17,200,000 names |
| Insurance Services (national scope)       | 15,000,000 names |
| Financial Institution (national scope)    | 14,007,997 names |
| Outsource Provider (national scope)       | 11,774,000 names |
| Mortgage Services (national scope)        | 11,000,000 names |
| Periodical Subscriptions (national scope) | 8,440,578 names  |
| Periodical Subscriptions (national scope) | 8,115,089 names  |
| Outsource Provider (regional scope)       | 1,215,370 names  |
| Software Marketer (national scope)        | 721,000 names    |
| Outsource Provider (regional scope)       | 689,000 names    |
| Beauty Products (national scope)          | 544,099 names    |
| Office Products (national scope)          | 200,000 names    |
| Non-Profit Charity (national scope)       | 94,000 names     |
| Non-Profit Charity (national scope)       | 74,060 names     |

8. The examples provided above only represent internal company-specific do-not-call lists. Once the various states' do-not-call lists and the voluntary industry-maintained Direct Marketing Association's Telephone Preference Service list are added to a company's pre-existing internal do-not-call list, the list becomes even larger. The following examples are illustrative:

|  |                  |
|--|------------------|
| Telecommunications Firm (national scope) | 35,000,000 names |
| Financial Services (national scope)      | 27,372,608 names |
| Outsource Provider (national scope)      | 21,552,056 names |

9. Small businesses, no matter how small, must also comply with the Telephone Consumer Protection Act's requirements as well, resulting in numbers such as these:

|                                 |           |
|---------------------------------|-----------|
| Outsource Provider (local)      | 300 names |
| Utility Provider (local)        | 179 names |
| Family Business (local)         | 31 names  |
| Fulfillment Services (regional) | 13 names  |

10. Complying with existing do-not-call regimes requires serious, dedicated effort. Our members must accept and process do-not-call requests, establish the necessary written procedures to accomplish these steps expeditiously, train all personnel, develop, update, and maintain all do-not-call lists, invest in additional phone lines to accommodate do-not-call requests, purchase necessary software to scrub marketing lists against all do-not-call lists, and respond to consumers' requests for written copies of do-not-call policies. These are all steps taken by legitimate businesses operating in a fiercely competitive marketplace under a governmental regime that balances the interests of consumers against the needs of businesses.

11. ATA members accept the premise that it is unproductive to call consumers who do not wish to be contacted. We believe that company-specific lists represent the best way to address this reality, allowing the consumer to make an informed choice based on specific information. This process works to achieve a delicate balance between consumer preferences and business needs. Thus the costs of compliance are recognized as necessary costs of doing business in a competitive marketplace. This balance starts to tip when a company must add to its do-not-call roll

the various state do-not-call lists. Of course, the larger the company, the more resources it can afford to dedicate to ensuring compliance with these multiple do-not-call regimes. Conversely, smaller businesses must bear disproportionately greater costs to ensure compliance. Our members report that the cost of compliance is generally manageable if list-management is limited to the Telephone Consumer Protection Act's requirement that companies maintain company-specific lists. Operating in a state with a do-not-call program, however, greatly complicates this process. Even if a local company with an in-house list of 50 names does business only within one state, it may still need to purchase a state list with over 1,000,000 names and scrub it against its in-house marketing list.

12. ATA undertakes various measures to ensure that its members comply with all laws and regulations affecting telemarketing. These efforts include posting and updating compliance guidelines on its website and hosting regional and national compliance seminars. The compliance seminars, among other things, are designed to train telemarketers to comply with do-not-call requests.

13. Our members also make tremendous efforts independently to ensure compliance with all laws and regulations. These efforts include purchasing and scrubbing all do-not-call lists against marketing lists, maintaining and updating company-specific do-not-call lists, developing processes and procedures for complying with consumers' do-not-call requests, and training employees to comply with all do-not-call laws and regulations, plus recordkeeping and documentation policies to demonstrate compliance.

14. An all-or-nothing blanket national do-not-call regime will profoundly harm our members businesses. Because an all-or-nothing blanket regulation (by definition) prevents consumers from being able to pick and choose, a national regime will operate to reduce consumers' choices regarding the companies they will allow to contact them. An informed choice by consumers based on a specific offer is replaced by an emotional choice founded on vague non-specific generalities and stereotypes. Such over-regulation will consequently lead consumers to prevent contact from many companies and organizations from whom they may not otherwise mind calls in order to avoid contact from some organizations. The consumer must not be limited to only two choices, to accept all telemarketing calls or to decline all telemarketing calls. To do otherwise will foreclose telemarketing as an efficient way for businesses to contact consumers, and consumers to conveniently learn about and purchase everyday goods and services.

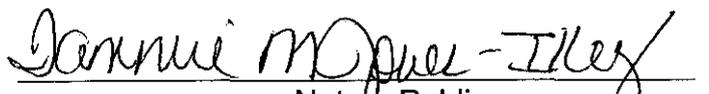
Dated: 9 DEC 02

  
GM Matt Mattingley

DISTRICT OF COLUMBIA        )  
  ) ss  
COUNTY OF \_\_\_\_\_ )

Subscribed and sworn to before me this 9 day of December, 2002.

Tammie M. Jones-Ilery  
Notary Public, District of Columbia  
My Commission Expires 11-14-2006

  
Notary Public  
1600 I St NW, Suite 925  
Washington, DC 20006  
Address



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**COMMENTS OF THE AMERICAN TELESERVICES ASSOCIATION**

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**AFFIDAVIT OF DENNIS MCGARRY**

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I, DENNIS MCGARRY, do hereby attest as follows:

1. I am over 18 years of age and am competent to provide this Affidavit. The statements contained in this Affidavit are based on my personal knowledge.
2. I reside at 5101 Gorham Drive, Charlotte, North Carolina 28226.
3. I hold a Bachelor's Degree in Finance from the University of South Florida and a Master's Degree in Business Administration from the University of Florida. I am President and Chief Executive Officer of Personal Legal Plans, Inc., which I started in 1981 to offer to the public under one roof prepaid legal, tax, and financial services.

The business's primary focus is estate planning, and has over 200,000 clients in three cities.

4. Our business currently has 225 employees. Our workforce includes many senior citizens, single and stay-at-home mothers, and persons seeking additional income to fund education expenses. Approximately 65 percent of our employees are women.

5. Our business complies with all applicable telemarketing laws and regulations. We purchase all required do-not-call lists and maintain our own company-specific do-not-call list. In fact, our company has maintained a company-specific do-not-call list since its very first day in business, long before any do-not-call legislation was enacted. We now have over one hundred thousand names on our company-specific do-not-call list, and update the list every twenty-four hours. Additionally, we train in-house all of our sales agents to strictly adhere to all applicable telemarketing laws and regulations and monitor their calls. Never in the history of our business have we had a complaint made to a better business bureau or regulatory agency regarding our services or marketing practices.

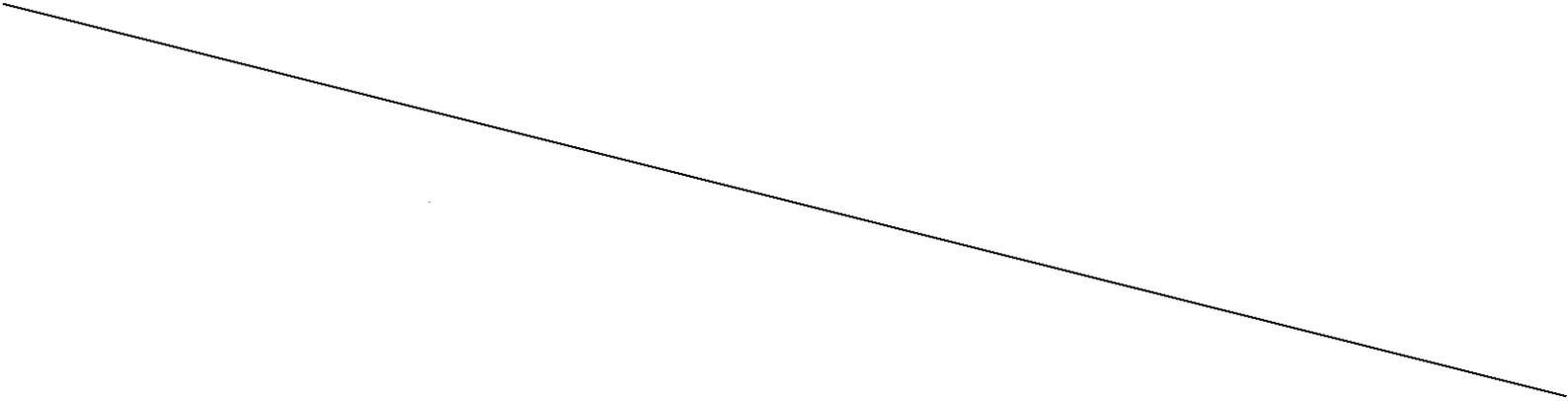
6. Telemarketing is the cornerstone of our business and is crucial to its continued viability. Early in the history of our business, we attempted to use traditional advertising to generate demand for our services. However, these passive media proved ineffective because they failed to overcome consumers' disinclination to face the serious issues that our services are meant to address. Additionally, these media are incapable of directly targeting the narrow segment of the larger community that our business serves. By contrast, telemarketing campaigns can be designed to

reach only our potential customers and two-way conversations via telephone allow for the necessary exchanges of ideas that rouse consumers into action.

7. Our marketing efforts begin with initial cold calls to persons that meet certain income qualifications. These calls are vital communications between potential consumers and our business because they serve to educate potential consumers on the importance of the services which our business provides. However, the ultimate object of these calls is only to convince the recipient to allow us to mail him or her literature about the services we provide. (Approximately one in five of the persons we contact, allow us to send our materials.) When an individual accepts our invitation, a follow-up call is placed to attempt to schedule an in-person appointment to discuss the benefits of our services. This marketing process generates ninety percent of our business.

8. A national do-not-call regime that provides consumers the opportunity to opt out of all telemarketing calls will destroy our business. Many of our past customers would have placed their names on a national do-not-call roll, completely unaware that by doing so they would have never received a call from us or obtained the benefits of our services. The consequences that a national do-not-call list will have on our business are uniquely severe because the nature of the services we provide precludes much repeat business. We are therefore almost entirely dependent on new clients, and thus must rely on our marketing calls, rather than good will, to generate business. Thus a national do-not-call list that significantly drains our already limited customer pool will – without doubt – put us out of business.





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|                                    | ) |                      |

**COMMENTS OF THE AMERICAN TELESERVICES ASSOCIATION**

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**AFFIDAVIT OF KAREN BOTTOM**

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I, KAREN BOTTOM, do hereby attest as follows:

1. I am over 18 years of age and am competent to provide this Affidavit. The statements contained in this Affidavit are based on my personal knowledge.
2. I currently reside at 1107 Oakley Street, Evansville, Indiana 47710 and prior to November 25, 2002 was employed in the telemarketing industry.
3. I received a B.S. in psychology from the University of Evansville in 1979. While still in school, I accepted a job as a telemarketer. I remained employed in the telemarketing industry after I received my undergraduate degree because the pay was better than other career alternatives. During the twenty-five years I have worked in the telemarketing industry, I have performed telemarketing services for businesses

attempting to generate leads for their own products as well as for businesses conducting telemarketing campaigns on behalf of other companies. I have worked for companies that conducted telephone solicitations solely in Indiana and for companies that conducted national solicitation campaigns. I have attempted to sell a variety of products and services, including lawn care service, portrait photography, cell phone service, long-distance telephone service, nursing home insurance, home mortgage loans, replacement windows and siding, and vacuum cleaners.

4. In approximately June 2000, I began working as a telemarketer for Citizens Mutual Mortgage (“Citizens Mutual”), a company engaged in the mortgage broker and banking business and located at 8250 Haverstick, No. 155, Indianapolis, Indiana 46240. Citizens Mutual relies upon telemarketing as its primary means of generating business leads. I worked in Evansville and reported to Don Pleiss, a loan officer who followed up on the leads I generated. Because Citizens Mutual is a small company that does not use recent technological advances (i.e. predictive dialing or answering machine detection software) to place its calls, my job involved hand-dialing members of the general public, most of whom had no prior business relationship with Citizens Mutual, to offer those individuals a free mortgage/credit analysis.

5. As part of my job, I attempted to ensure that the numbers I dialed were not on Indiana’s do-not-call list. I accomplished this by periodically purchasing lists of names and numbers from third-party vendors, who “scrubbed” the lists by removing names on Indiana’s do-not-call list. Each list purchased contained roughly 3000 to 5000 names and cost roughly \$300 to \$400. I purchased a new list approximately every month and a half. I purchased lists from third-party vendors

instead of the State of Indiana, who sells a complete list of all numbers on the do-not-call list for \$300 every three months when the list is updated with new consumers, because I do not have the equipment to scrub the list myself and cross-checking the numbers on the do-not-call list with the telephone book by hand would be cumbersome and leave no time for me to place telemarketing calls. Additionally, the lists I purchase from third-party vendors only contain names of people with a mortgage so that the likelihood of generating a sales lead increases by using these third-party-generated lists.

6. Even though I attempted to comply with Indiana's do-not-call legislation, it was impossible to ensure perfect compliance. Because Citizens Mutual dials telephone numbers by hand, misdials that reach an individual on the do-not-call list are possible. Additionally, because the lists purchased from third-party vendors are organized by name, it is possible to call a person who is not on the list and to reach someone (i.e. spouse or child) in the household who is on the list. Finally, because some customers believe they are on the no-call list immediately after they sign up (when actually they do not go on the list until the beginning of the next quarter), some complaints of do-not-call violations are invalid. Therefore, it was impossible for Citizens Mutual to guarantee that no one on Indiana's do-not-call list would receive a call.

7. On November 25, 2002, Mr. Pleiss informed me that Hugh Pritchett, the owner of Citizens Mutual, had received a letter from the Indiana Attorney General's office. **Attached as Exhibit A.** The letter stated that there had been two complaints by Indiana residents on the do-not-call list that they had received telephone solicitations from Citizens Mutual. The letter further stated that, as a result of these two

complaints, Citizens Mutual faced potential civil liability of \$35,000 (\$10,000 for the first violation and \$25,000 for each successive violation) unless it immediately ceased all telephone solicitations until Citizens Mutual could assure the state it was in compliance with Indiana's do-not-call act. It is my understanding that Mr. Pritchett was fearful that such severe fines would be imposed and that additional future fines would be levied given that it is impossible to guarantee perfect compliance with the do-not-call legislation. Therefore, Citizens mutual decided to discontinue telemarketing. As a result, my employment with Citizens Mutual as a telemarketer was terminated.

8. While I was employed with Citizens Mutual, I earned \$12.00 an hour and worked between 16 and 27 hours per week. On average, I received approximately \$1000 net monthly income in hourly wages. I also earned a bonus of \$50 for every loan that closed from a lead that I generated. When this bonus is factored in, I could earn as much as \$27.00 per hour at Citizens Mutual. Currently, my only source of income is the \$378.00 per month I receive from my mother's pension, which just covers the cost of my vehicle and its insurance. Until I can secure other employment, I will be unable to meet basic living expenses.

9. Because I have over twenty-five years of experience in the telemarketing/sales industry, I am looking for jobs in the telemarketing field. Based on my job search, it will be extremely difficult, if not impossible, for me to find a telemarketing job as there are fewer jobs for telemarketers advertised in the local papers since Indiana's do-not-call legislation went into effect on July 1, 2001. If I cannot secure a job as a telemarketer, I will look for a job as a cashier. The hourly wage

typically offered for such a job (around \$5-6 per hour), however, pays far less than what I was making at Citizens Mutual.

Dated: December 5, 2002

Karen Bottom

Karen Bottom

STATE OF INDIANA            )  
  ) ss  
COUNTY OF VANDERBURGH )

Subscribed and sworn to before me this 5<sup>th</sup> day of December, 2002.

Karina Hayes

Notary Public

My commission expires: 4-29-2008

1330 W. Franklin St  
Evansville, In 47710

Address

# **ATTACHMENT 1**



STATE OF INDIANA  
OFFICE OF THE ATTORNEY GENERAL

INDIANA GOVERNMENT CENTER SOUTH, FIFTH FLOOR  
300 WEST WASHINGTON STREET - INDIANAPOLIS, IN 46204-2770

TELEPHONE (317)232-6201  
FACSIMILE (317)232-7977

November 14, 2002

Mr. Hugh Pritchett  
Owner  
Citizens Mutual  
8250 Haverstick  
# 155  
Indianapolis, IN 46240

Dear Mr. Pritchett:

Please take notice that the State of Indiana, through the Office of the Attorney General, believes that Citizens Mutual may be in violation of Indiana's Telephone Privacy law (Indiana Code § 24-4.7-1-1 through §24-4.7-5-6). Our information indicates that either your company or a third party entity operating on your behalf has illegally made telephone solicitations to residential subscribers in the State of Indiana. The violations at issue arose from telephone solicitations made to Indiana residents who have given notice to the Attorney General of their objections to receiving telephone solicitations.

I have attached a list of telephone numbers relating to your complaint(s) filed against you. Please contact me at (317) 234-2264 within three (3) days after receipt of this letter to acknowledge that you have ceased all solicitation calls to Indiana residents until you can assure us of full compliance. A failure to do so may subject Citizens Mutual to immediate legal action to protect the interests of Indiana residents. Additionally, please investigate the attached phone call information to determine whether Citizens Mutual or any of its vendors made the calls. After your investigation, please respond to me in writing within ten (10) days after receipt of this letter and identify the following information:

1. the results of your investigation,
2. the date you anticipate resuming telephone solicitations, and
3. an outline of your plans to resolve this matter and avoid any further compliance violations.

The Indiana Telephone Privacy law went into effect July 1, 2001 and our enforcement of this law began January 1, 2002. Any business or entity making telephone solicitations to Indiana residents must now be in compliance with this law.

INDIANA GOVERNMENT CENTER SOUTH, 5TH FLOOR # 302 W. WASHINGTON STREET # INDIANAPOLIS INDIANA 46204  
1GODDINS@ATG.STATE.IN.US # FAX: 317.232.7970

Citizens Mutual

Based on the information available to us, you do not fall within any exemptions provided by Indiana's Telephone Privacy law and are, therefore, subject to its prohibitions and penalties. If you claim or intend to claim any of the exemptions provided for in IC 24-4.7-1-1, notify us immediately and provide supporting documentation by way of an affidavit or other credible evidence.

It is imperative that Citizens Mutual complies with the Telephone Privacy law immediately in order to avoid legal action against you. As of today's date, we have received two (2) complaints against Citizens Mutual. Pursuant to Indiana Code § 24-4.7-5-2, Citizens Mutual faces potential civil liability of \$35,000.00.

If you have any questions or concerns regarding the Telephone Privacy law, please refer to [www.in.gov/attorneygeneral/telephoneprivacy](http://www.in.gov/attorneygeneral/telephoneprivacy) or feel free to contact me directly

Respectfully Yours,

  
Trannis Goggins II  
Telephone Privacy Enforcement



## Spam E-Mail From Indiana Attorney General Stephen Carter

You are receiving this message from Indiana Attorney General Steve Carter. This information is provided in standard text format so that viruses and other damaging programs cannot infect your computer.

The Federal Communications Commission (FCC) is considering a proposal that could diminish the protections you receive from Indiana's Telephone Privacy law. Please take a moment to review the following information.

The FCC is considering preempting state Telephone Privacy laws in favor of adopting one lower national standard. While the legal arguments about preemption are complicated, the practical result could mean that you will receive more unwanted telemarketing calls. Should the FCC try to preempt state law, you could receive unwanted calls from some companies that you have previously done business with...credit card companies, phone companies, and anybody else that considers you an "existing customer."

The FCC is taking comments from the public on this proposal until November 22. You may want to use the information below to contact the FCC and let them know they should leave Indiana's law alone.

You can submit comments on-line at: [http://qullfoss2.fcc.gov/prod/ecfs/upload\\_v2.cgi](http://qullfoss2.fcc.gov/prod/ecfs/upload_v2.cgi) You will be commenting on proceeding: "02-278". After filling in some preliminary information, there is an option at the bottom of the page to type in your comments for submission to the FCC.

If you send them your message, you may want to consider mentioning the following:

--That the FCC should not implement any proposal that would lessen Indiana's Telephone Privacy law protections.

--How Indiana's Telephone Privacy law has improved your time at home.

--How effective Indiana's law has been (e.g., "I used to receive 12 calls per week, now I only receive one").

--Any of your personal views about the importance of Indiana's law.

Thank you for your attention to this message. Working together, we can ensure the success of our Telephone Privacy program for many years to come.

Sincerely,

Stephen Carter  
Attorney General





Federal Communications Commission  
Consumer & Governmental Affairs Bureau  
Office of The Bureau Chief



November 29, 2002

Mr. Ronnie London  
Hogan & Hartson, L.L.P.  
Columbia Square  
555 13<sup>th</sup> Street, N.W.  
Washington, D.C. 20004-1109

FOIA Control No. 2003-023

Dear Mr. London:

This is in reference to our meeting of November 6, 2002, to discuss your pending request under the Freedom of Information Act (FOIA) for access to consumer complaints related to the Telephone Consumer Protection Act (TCPA). and your subsequent correspondence. Among other things discussed at the meeting, we stated that it would take a number of months and considerable staff resources in order to provide the over 11,000 documents encompassed by your request. You asked for an estimate of costs involved to process your FOIA request. Pursuant to the FOIA, 5 U.S.C. § 552(a)(6)(B), the response is currently due by the close of business on November 29, 2002.

We have done a preliminary and tentative assessment of the costs involved. They are as follows.

- (i) Duplication costs @ .17 cents a page = \$6800.00. This tentative assessment is based on duplication of an estimated 20,000 records responsive to your request, each record tentatively consisting of 2 pages. This estimate would vary if the actual number of records involved, and/or the number of pages of the records involved, are different from the estimated numbers.
- (ii) Search and Review is normally conducted by staff members who are at grade levels GS-13 or GS-14. Search and review conducted by a GS-13 staffer would be @ \$41.20 per hour and search and review conducted by a GS-14 staffer would be @ \$48.67 per hour. Tentatively, we estimate that the search and review costs associated with 20,000 records would be \$16,480.00 if performed by GS-13 staff @ \$41.20 per hour, and \$19,468.00 if performed by a GS-14 staff @ \$48.67 per hour. For the purpose of this assessment we are assuming that it would take bureau staff approximately 20 hours to search and review 1,000 records and, therefore, 400 hours to search and review 20,000 records. We base this estimate on the fact that it took 2 GS-13 and 1 GS-14 staff members approximately 5 hours to search, review, and redact the 250 complaints that were provided to you on November 14. Please note, however, that the 250 complaints that you received were available electronically. Not all complaints are available electronically. If a complaint is not available electronically, then it involves more search time. We are unable to estimate

the number of complaints that are available electronically, at this time.

Please note that the estimated number of records and number of pages are tentative estimates which may change significantly upon more detailed review by the staff. The estimations provided in this letter are for informational purposes only and should not be construed as any offer to process your FOIA request for the estimated costs set forth above. We look forward to hearing from you as to whether you are agreeable to the estimated costs.

On November 14, 2002, pursuant to the November 6, 2002 meeting and your subsequent correspondence dated November 7, 2002, we provided 250 randomly selected and redacted TCPA-related complaints received in August 2001 and March 2002, in partial fulfillment of your FOIA request. With this letter we are also providing an additional 188 redacted TCPA-related complaints received in August 2001 and March 2002. As noted in the November 14 letter, the enclosed complaints are not lieu of our ongoing efforts to provide a complete response to your FOIA request. Again, we have to reiterate that it will take a number of months and considerable staff resources in order to provide all the records you have requested.

If you consider this letter to be a denial of your FOIA request, you may file an application for review with the Office of the General Counsel within 30 days of the date of this letter in accordance with Section 0.461(j) of the Commission's rules, 47 C.F.R. Section 0.461(j).

Sincerely,

A handwritten signature in black ink, appearing to read "K. Dane Snowden". The signature is written over a horizontal line that serves as a baseline for the typed name below.

K. Dane Snowden  
Chief  
Consumer & Governmental Affairs Bureau

Encls.